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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,436	07/25/2005	Tore Planke	RR-579 PCT/US	5774
20427	7590	10/18/2006	EXAMINER	
RODMAN RODMAN 7 SOUTH BROADWAY WHITE PLAINS, NY 10601			LEWIN, ALLANA	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/525,436

Applicant(s)

PLANKE, TORE

Examiner

Allana Lewin

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear what the phrase 'of "cleatlock" type' in claim 1 is intended to convey or describe as it is not clearly or sufficiently described in the disclosure.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the phrase 'of "cleatlock" type' is intended to convey or describe and therefore renders the claims vague and indefinite.
5. Claim 2 recites the limitation "the opening of the locking part" in line 10. There is insufficient antecedent basis for this limitation in the claim. It is unclear what the recitation 'the opening of the locking part' defines.

6. Claim 5 recites the limitation "cleatlock" in 3. There is insufficient antecedent basis for this limitation in the claim as a cleatlock is not positively claimed in claims 2 or 1 from which claim 5 depends. Claim 1 merely recited a 'locking device of "cleatlock" type' but does not positively claim a cleatlock.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (US Pat. No. 1,243,107) in view of Davis (US Pat. No. 1,105,624).

9. Richardson substantially discloses the claimed invention comprising a pulley (10), or direction reversal means, that is suspendable from a fixed support (note Figure 2) as it attached to a frame (2) and the frame having an eye (12) for receiving a preferred holding device (column 2, lines 63-68) and having two sides (note Figure 1); a rope (9) that is passed via the suspended direction reversal means, a first part of the rope being arranged to hang down from one side of the directions and having a lower end (note Figure 1); a second part of the rope being arranged to hang down from the other side of the direction reversal means (note Figure 1); a locking device (proximate lead lines 3-8), which, as best understood, comprehends Applicant's "'cleatlock" type', attached to the first part of the rope and provides, as best understood, a retaining slot

(note Figure 3), and the locking device is cooperable with the second part of the rope to provide releasable engagement between the locking part and the second part of the rope. The locking device has a guide formed by a guiding flange (8) for the second part of the rope that cooperates with the locking part and covers a portion of the opening of the locking part (note Figure 3). As best understood, the locking device has a rope insertion groove (note Figure 3) that permits sideways insertion of the second part of the rope, and the guide (8) includes means to limit the sideways movement of the second part relative to the lock after insertion of the second part of the rope into locking device due to the guiding flange as well as the central housing (3).

10. Richardson fails to disclose a handle loop being provided at the lower end of the first part of the rope.

11. Davis discloses an analogous device and teaches the use of a handle loop (15) in order to aid and facilitate in attachment of a load or weight.

12. Based on the teachings of Davis, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a handle loop in the Richardson device in order to provide an easy and convenient means of attaching a load to be hoisted or moved.

13. Regarding claim 3, the guide is arranged to limit movement of the second part of the rope out of the locking part due to the flange portion of the guide when the second part of the rope is manipulated in order to adjust the where the lock engages the second part of the rope as the rope is moved up or down due to movement of the pulley.

Art Unit: 3764

14. Regarding claim 4, Richardson fails to specifically disclose the guide to be an elastically yielding belt. Davis teaches the use of a collar (5), which absent further limitation, comprehends Applicant's 'belt', that helps to define the guide through which the rope (14) passes. Davis fails to specifically disclose the collar/belt to be elastically yielding, however such a modification would have been an obvious matter of design choice as Applicant has not disclosed that the elastically yieldable belt solves any stated problem or is for any particular purpose. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized an elastically yielding belt by further extending the guiding flange in the Richardson device in order to provide a secure enclosure through which the rope extends thereby preventing the rope from being accidentally or inadvertently disengaged, as well as reduce the strain on and potential breakage of a non-yielding guide.

15. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson and Davis as applied to claims 1 and 2 above, and further in view of Pickering (US Pat. No. 5,540,307).

16. Richardson fails to disclose the guide as a flap that is pivotal against spring force relative to the locking device.

17. Pickering discloses an analogous device and teaches the use of a flap (116) that is pivotal (160) against the spring force of a torsion spring relative to a rope cam (158) and aids in locking maintaining the rope within the housing (note Figure 9).

Art Unit: 3764

18. Based on the teachings of Pickering, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a pivotal and spring biased flap as the guide in the Richardson device in order to ensure the rope is maintained within the device while also providing easy and convenient disengagement or adjustment of the rope.

***Allowable Subject Matter***

19. Claim 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

20. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3764

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allana Lewin whose telephone number is 571-272-5560. The examiner can normally be reached on Monday-Friday, 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AL   
October 15<sup>th</sup>, 2006

  
(JACKIE) TAN-UYEN HO  
PRIMARY EXAMINER

10/16/06